

REMARKS

Independent claims 1, 8, and 18 have been amended as to matters of form without adding any new subject matter. Thus, claims 1-25 are pending in the present application. Applicants respectfully traverse the Examiner's rejections of claims 1-25 in view of the reasons set forth herein.

In the Office Action, claims 1-8, 10-16 and 18-24 under 35 U.S.C. § 102(b) as allegedly being anticipated by *Asaoka*, et al. (U.S. Patent No. 5,878,340). Claims 1, 8, and 18 have been amended to include determining if an authorization signal has been received at the user terminal within a specified period of time for the transmission of the authorization signal. Support for this amendment may be found in Applicants' Specification on page 16, lines 2-4. An anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. For authorizing a user terminal to communicate with a base station in a communication system, independent claims 1, 8, and 18 set forth, among other things, a specified period of time for the transmission of the authorization signal. *Asaoka* does not teach or remotely suggest determining if a PIN transmission request signal (a second signal from a base station in claim 1 of *Asaoka* in col. 16, ll. 65-67) is received at the vehicle radio telephone within a predetermined time period for the transmission of the PIN transmission request signal. Based on the above indicated legal standard, it is respectfully submitted that *Asaoka* fails to anticipate independent claims 1, 8, and 18. Thus, independent claims 1, 8, and 18 and claims dependent therefrom are in condition for allowance which is respectfully requested of the Examiner.

As amended, independent claims 1, 8, and 18 set forth, among other things, determining if an authorization signal has been received at the user terminal within a specified period of time for the transmission of the authorization signal, and disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time. In an exemplary embodiment of the instant invention, the Applicants' Specification describes that the specified period of time for the timer 245 is set to be for a longer period than the amount of time between two consecutive transmissions of the authorization signal (AT) signal by the base station 120. See Applicants' Specification on page 16, lines 2-4. According to one embodiment, if the timer 245 times out after a specified period of time, the timer 245 is configured to send a "shutdown" signal to the radio controller 235 to disable the transmitter 220, thereby preventing the user terminal 110 from transmitting messages to the base station 120. See Applicants' Specification on page 15, lines 2-5.

However, instead of determining if an authorization signal has been received at the user terminal within a specified period of time for the transmission of the authorization signal, *Asaoka* determines if a signal is received within a predetermined period of time after the transmission of another signal. That is, *Asaoka* determines whether the second signal is received within a predetermined period of time after the transmission of the first signal (a PIN Code signal transmitted from the vehicle radio telephone to the base station in response to the second signal (the PIN transmission request signal from the base station to the vehicle radio telephone) in claim 1 of *Asaoka* in col. 16, ll. 56-67).

Moreover, claims 1, 8, and 18 set forth, among other things, disabling the transmitter if the authorization signal has not been received within the specified period of time for the

transmission of the authorization signal. Rather than disabling the transmitter based on the transmission of the authorization signal, *Asaoka* in col. 17, ll. 4-7 and col. 18, ll. 13-15, teaches releasing a corresponding radio channel when it is determined that the second signal or the PIN transmission request signal is not received within a predetermined period of time after the first signal based on the user input transmitted to the base station from the vehicle radio telephone. Therefore, *Asaoka* fails to disclose or suggest all the limitations in the amended claim 1.

As understood, *Asaoka* is directed to a radio telecommunication apparatus for performing channel connection by a PIN (Personal Identification Number) service to easily and reliably transmit a PIN Code to a base station in the radio telecommunication system. The radio telecommunication apparatus determines whether a vehicle radio telephone has received the second signal which requests a transmission of the PIN Code within a predetermined period of time after the transmission of the first signal which corresponds to the PIN Code. The Examiner asserts that *Asaoka* teaches in col. 9, ll. 21-50 to ll. 51-64 that the radio telecommunication apparatus determines if an authorization signal is received within a predetermined period of time after the transmission of another signal different than the authorization signal. Thus, according to the Examiner, *Asaoka* determines whether a vehicle radio telephone has received the second signal within a predetermined period of time for the transmission of the second signal. However, *Asaoka* is completely silent with regard to determining if a vehicle radio telephone has received an authorization signal within a predetermined period of time for the transmission of the authorization signal, as set forth in claim 1.

In contrast, *Asaoka* determines whether the second signal is received within a predetermined period of time after the transmission of the first signal. Accordingly, Applicants

respectfully submit that, in *Asaoka*, determination of receipt of a signal within a predetermined period of time after the transmission of another signal is not related to the way receipt of an authorization signal is determined at the user terminal within a specified period of time for the transmission of the authorization signal and the transmitter is disabled if the authorization signal is not received within the specified period of time for the transmission of the authorization signal. For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by *Asaoka* and request that the Examiner's rejections of claims 1-8, 10-16 and 18-24 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of claims 9 and 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Asaoka* in view of *Lambert* (U.S. Patent No. 5,642,380) is maintained. Likewise, claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Asaoka* in view of *Newton's* Telecom Dictionary. Reconsideration of the present application in view of the reasons set forth herein is respectfully requested.

Applicants also submit that the present invention is not obvious over *Asaoka* in view of either *Lambert* or *Newton's* Telecom Dictionary. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, *Asaoka* fails to teach or suggest disabling a transmitter of a user terminal. The Examiner relies upon *Lambert* to describe a modem and *Newton's* Telecom Dictionary to describe a Global System for Mobile communications (GSM) protocol. However, neither of these references remedy the fundamental deficiencies of the primary reference.

The cited references also fail to provide any suggestion or motivation for modifying the prior art to arrive at Applicants' claimed invention. To the contrary, *Asaoka* teaches away from disabling the transmitter if the authorization signal has not been received within the specified period of time for the transmission of the authorization signal in the vehicle radio telephone. For example, in the third embodiment of the technique described in *Asaoka*, the communication termination process may not be performed after the count value reaches the predetermined value of N. Instead, a user of the vehicle radio telephone may be permitted to attempt one or more manual push operations for a flash operation. The manual push operations attempt to transmit a PIN over the communication channel and therefore require that the transmitter in the vehicle radio telephone be operative. See *Asaoka*, col. 11, l. 5 – col. 6, l. 9. It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious. See, *inter alia*, *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596, 1599 (Fed. Cir. 1988); *In re Nielson*, 2 U.S.P.Q.2d (BNA) 1525, 1528 (Fed. Cir. 1987); *In re Hedges*, 228 U.S.P.Q. (BNA) 685, 687 (Fed. Cir. 1986).

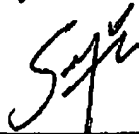
For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not obvious over the cited references, either alone or in combination. Applicants request that the Examiner's rejections of claims 9, 17, and 25 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4089 with any questions, comments or suggestions relating to the referenced patent application.

Date:

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Respectfully submitted,



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